THE HON'BLE Mr. JUSTICE V.V.S. RAO

WEDNESDAY, THE 9TH DAY OF NOVEMBER, 2005

W.P.No. 23917 of 2005

Between:-

The Mancheriyal Primary Agricultural Co-operative Society, rep., by its Secretary – Mohd. Khader Mohinuddin, s/o Meera Moinuddin, Aged: 48 years, r/o Mancheriyal, Adilabad district and another.

--Petitioners

And

The Special Deputy Collector (Land Acquisition), Sripada Sagar Project, Yellampally NTPC Ramagundem, Karimnagar and fortynine (49) others.

--Respondents

Oral order: (W.P.No. 23917 of 2005)

The 1st petitioner is a Primary Agricultural Co-operative Society and the 2nd petitioner is the District Co-operative Central Bank. They filed the writ petition seeking a declaration that the action of the 1st respondent viz., The special Deputy Collector (Land Acquisition), Sripada Sagar Project, Yellampally, NTPC Ramagundem, Karimnagar district in making payments to the respondent Nos. 3 to 51 without considering the request of the petitioners to refer the matter to the Civil Court, is illegal and arbitrary.

The Government proposed to acquire the land of the contesting respondents for construction of 'Spill way, Guide and Earthbund of Sripadasagar Project at Yellampally across Godavari river'. After completing the formalities, the 1st respondent issued notices under Section 9 (1) and 10 of the Land Acquisition Act, 1894 (for short 'the Act') for holding award inquiry. Having come to know, the petitioners herein, who allegedly sanctioned loans to respondent Nos. 3 to 51, made representations seeking reference the matter to the Civil Court under Section 30 of the Act, in vain. Therefore, they filed the writ petition.

In W.P.No. 25531 and 25532 of 2002 as well as W.P.No.21058 of 2005, number of Primary Agricultural Co-operative Societies in Adilabad district filed similar writ petitions. All the writ petitions were disposed of by a learned single Judge of this court. In W.P.No. 21058 of 2005 dated 28-09-2005, this Court observed as under:-

> "It is not denied that proceedings under the LA Act are still at the stage of enquiry. If the award enquiry is pending and petitioners are interested persons, they can as well approach the respondent and seek reference under Section 30 of the LA Act. On mere allegation that the amounts are likely to be released to the farmers, petitioners cannot enforce any right in the writ petition, especially when the farmers who allegedly borrowed the amounts from the petitioners are not made parties to this writ petition. Similar writ petitions being W.P.No. 25531 and 25532 of 2002 filed by co-operative societies, were disposed of by this court on 26-08-2004, observing as under:
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> *"Therefore, this court holds that the writ petitions are filed on a mere apprehension by the PACs and Adilabad DCCB without first approaching the first respondent. If the PACSs hold valid mortgage as on the date of issue of notification under Section 4 (1) of the Act, it shall be open to the respective Primary Societies to approach the Land Acquisition Officer, Nirmal claiming their rights. If the amounts claimed by the petitioner societies are disputed by the landowners, the matter may be referred to the Civil Court for orders under Section 30 of the Act. In this writ petition, no relief, as prayed can be granted."*

Following the above, the writ petition is disposed of in the above terms. No costs.

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V.V.S. RAO, J

Dated: 09-11-2005

Pvks/*